



Appeal Decision

Site visit made on 5 September 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st September 2023

Appeal Ref: APP/J3720/W/22/3311882

Old Ferry House, Waterside, Stratford upon Avon CV37 6BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the Royal Shakespeare Company against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00365/FUL, dated 8 February 2022, was refused by notice dated 20 June 2022.
 - The development for which planning permission is sought is change of use from 7 bedsit house in multiple occupation (HMO) to 8 self-contained studio flats, with the insertion of partition walls in an existing shared area to form a shower room for the eighth unit.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 7 bedsit house in multiple occupation (HMO) to 8 self-contained studio flats, with the insertion of partition walls in an existing shared area to form a shower room for the eighth unit at Old Ferry House, Stratford upon Avon CV37 6BA in accordance with the terms of the application, Ref 22/00365/FUL, dated 8 February 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. As the appeal relates to a Grade II listed building and is within the Stratford upon Avon Conservation Area, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. The Old Ferry House is a Grade II listed building (Ref:1298506), listed in 1972. The list description mentions that it is a 3 storey town house, in the Georgian style dating from the late 19th century, constructed in brick with a slate roof. It includes an architectural assessment of its exterior and mentions that it was built for a barge-master. I consider that the special interest and significance of the listed building, insofar as it relates to this appeal, is predominantly derived from its age, form, fabric, and its historic function. I note that works associated with this appeal proposal have received listed building consent and I have been provided with the relevant documentation. Based on this information and what I saw on site, I have no evidence to suggest that the works approved under this Consent do not accord with this appeal proposal or that there would be any

additional works arising not covered by this Consent. Therefore, I am satisfied that my statutory duty with regard to the listed building is discharged.

4. During my visit I was able to view 3 of the 7 existing bedsits. I also saw that the partition walls had already been inserted into the former shared area and this was being used as an additional, 8th bedsit. Of the 4 rooms I saw, which were all occupied, the accommodation and layout largely reflected the proposed floor plans. I was therefore able to get an impression of how the accommodation was being occupied, the facilities provided and the amount of living space for each room. Nevertheless, I have based my decision on the plans before me.
5. I was not made aware of any other communal facilities other than the shared entrance, stairs and landings. Therefore, with no longer any internal communal room, technically, the premises does not appear to be currently operating as an HMO.

Main Issue

6. The main issue is whether the development provides acceptable living conditions for existing and future occupiers with regard to living space.

Reasons

7. The evidence before me indicates that the building has been used as an HMO by the Royal Shakespeare Company (RSC) for a considerable number of years. It is described as short-term accommodation for actors and stage crew for a season of performances. I am also advised that the wc/showers were installed in recent years, and that kitchenettes and fire lobbies were added to each bedsit in 2022. The appellant suggests that none of the internal works listed in the description of development amount to development and do not require planning permission and the Council has not disputed this point.
8. Policies CS.9, CS.19 and CS.20 of the Stratford-on-Avon District Core Strategy (2016) (CS) contain general statements, amongst other things, about proposals ensuring a good standard of space and amenity for occupiers including sufficient storage space and practical layouts. The Council also refers to the Technical Housing Standards which provides a nationally described space standard (2015) (NDSS) stating that one storey, one bed dwellings should have a minimum gross internal floorspace of 39m². The appeal proposal details that the existing bedsits (including the converted former shared area) have room sizes which vary between approximately 20m² and 26m².
9. Whilst I recognise that the general living space of the bedsits has been made considerably smaller with the introduction of the kitchenettes, shower rooms and entrance lobbies, looking at the submitted floor plans and having viewed some of the rooms they appear to have practical layouts. I viewed the 3 smallest bedsits along with the bedsit created in the former shared area. All these rooms had small double beds, a bedside unit and a dining table. I noted, however, that most rooms had no comfortable seating area, and personal storage was limited to a small wardrobe, a chest of drawers or cupboards. Although these rooms had a limited amount of space for private living they did not appear to be unduly cramped or cluttered.
10. The Council has not adopted the NDSS in its local plan, and it would need to in order to apply these standards rigorously according to the National Planning

Policy Framework (NPPF) and the Planning Practice Guidance (PPG). Nevertheless, in the absence of any other adopted space standards, they can be used as guidance as to what might be appropriate.

11. The information before me indicates that the bedsits are being used for a very specific purpose to accommodate actors and stage crew for relatively short durations and are not being used as permanent or long-term accommodation. Furthermore, I also saw that the accommodation is well related to the theatre and local services, and I am told that good access is particularly important given the often long and antisocial hours that people in the theatre are required to work. I also recognise that the proposal would support the RSC's overall operation which assists the town's economy and its contribution to cultural life and would reflect the needs of the business. I am also advised by the appellant that the former shared space was underused by residents and there was a demand for independent facilities within the bedsits, although I have no adequate evidence to support these latter statements.
12. Whilst I would agree that the relatively small size of the accommodation is not suitable for long term or permanent use, the appropriateness of the room size is a matter of judgment according to the circumstances before me. Having viewed them whilst they were being used for their purpose, I did not feel that the accommodation was so small that people could not live comfortably in them, and it appeared fit for purpose and was a reasonable and bespoke solution for the particular need. Therefore, given the very particular circumstances of this case and the generally short-term nature of stays at the accommodation, I am satisfied that the modest-sized living space is acceptable on the basis that it would only be occupied in relation to performances at the RSC.
13. The PPG¹ states that there may be exceptional occasions where development which would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. In my view, the appellant has demonstrated such an exceptional need and the development would be acceptable if it is controlled by an occupancy condition to ensure that the accommodation is only let out on a short-term basis to theatrical workers participating in RSC premises. This would prevent them becoming open-market flats. In this regard, the appellant has suggested an appropriately worded condition. A further condition has been suggested to include a clause requiring the RSC to maintain a register of occupiers for inspection by the local planning authority to ensure that the occupancy condition is observed. In my view both suggested conditions would make the development acceptable and would comply with the National Planning Policy Framework (NPPF) and the PPG. I note the reference in the PPG about not limiting the benefit of the permission to a 'company'. However, it appears to me that this is not relevant here as the RSC is a 'theatrical company' rather than a company in the traditional sense and I have no evidence to suggest otherwise.
14. Overall, I consider that the development with the suggested occupancy conditions would provide acceptable living conditions for existing and future occupiers with regard to living space. It would therefore comply with CS Policies CS.9, CS.19 and CS.20 and Paragraph 130 of the NPPF which seek to

¹ Paragraph: 015 Reference ID:21a-015-20140306

ensure that all developments provide a high standard of amenity for existing and future users.

Other Matters

15. From what I saw on site, the character, appearance and significance of the Conservation Area (CA) is largely derived from its vibrant character associated with the RSC and the settlement's relationship with the River Avon. The variety of traditional buildings that it contains together with the use of materials and the relationship of buildings to the surrounding landscape all contribute to that significance. I have not been presented with any evidence that the character or appearance of the CA would be harmed as a result of this appeal proposal. Nor do I see any reason to conclude otherwise. Therefore, I am satisfied that my statutory duty with regard to the CA has been discharged.

Conditions

16. I have considered the conditions suggested by the Council against the requirements of the PPG. In the interests of conciseness and enforceability, the wording of some of the conditions have been amended. As the development is operating in the manner proposed it is not necessary to impose the statutory time limit condition. A condition is required to secure compliance with the submitted plans and details and to provide certainty as to what has been permitted. To minimise the effects of the development on the environment I have imposed a condition to ensure that the development provides the proposed sustainability measures within 3 months of the date of this permission.
17. I have imposed the appellant's suggested occupancy conditions as has already been discussed. Of the timescales suggested by the appellant, I have restricted the length of occupancy to 12 consecutive months taking account of the suggested length of rehearsal and performance periods for a play/season of plays.

Conclusion

18. The proposal would be in accordance with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G Bayliss

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be in accordance with the approved plans: Existing and Proposed Block Plan: 831/2, Proposed Ground Floor Plan:11199P-GF-Revision A, Proposed First Floor Plan: 11199P-FF-Revision A, and Proposed Second Floor Plan:11199P-2F-Revision A.
- 2) Within three months from the date of this decision the sustainability measures set out within the supporting 'Climate Change Checklist' shall be provided and incorporated into the development. Thereafter, the approved sustainability measures shall be retained and maintained in perpetuity.
- 3) The flats hereby permitted shall not be occupied other than by people employed by the Royal Shakespeare Company or by a theatrical company contracted by the Royal Shakespeare Company to provide dramatic productions in Royal Shakespeare Company premises. The period of residence in the building by any individual shall be no more than 12 consecutive months.
- 4) The Royal Shakespeare Company shall maintain a register of all occupants of the building specifying their employment by the Royal Shakespeare Company or other associated theatre company and their length of stay. This register shall be provided to the local planning authority for inspection on request.